

Price : £2.25

THE STATES assembled on Tuesday,
3rd June 1997 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache

His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E,
was present.

All members were present with the exception of -

Senator Jean Amy Le Maistre - ill
Senator Frank Harrison Walker - ill
Enid Clare Quénault, Connétable of St.
Brelade - out of the Island.

Prayers

Churchill Award for Courage Fund - Mr.
E. Blakeley

The Bailiff, on behalf of the States,
congratulated Mr. Eric Blakeley on his feat of
courage, endurance and skill in climbing Mount
Everest.

Senator Richard Joseph Shenton, as senior member
of the States, informed the Assembly that the
Bailiff's Consultative Panel had agreed to ask
the Trustees of the Churchill Award for Courage
Fund to mark the occasion with a suitable award.

Subordinate legislation tabled

The following enactment was laid before the

States, namely -

Banking Business (List of Registered Persons) (Jersey) Order 1977.
R & O 9087

Legislation Committee - appointment of member

THE STATES appointed Deputy Shirley Margaret Baudains of St. Helier as a member of the Legislation Committee.

Matters presented

The following matters were presented to the States -

1. Draft The Lloyds TSB (Jersey) Law 199 . (P.77/97): comments - P.78/97.
Presented by the Finance and Economics Committee.
2. Probation and After Care Service: report for 1996.
Presented by the Prison Board.
3. Overseas Aid: report for 1996.
Presented by the Overseas Aid Committee.

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee, dated 23rd May 1997, recording the following decision of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

as recommended by the Sport, Leisure and Recreation Committee, the lease to the Jersey Pistol Club of an additional area (measuring approximately 1.14 vergées) at Field No. 89, Crabbé, St. Mary (following a change of use of the site, which would form a new firing range for the Club), to be incorporated into the existing nine-year lease from 25th December 1990 for the adjoining site, in respect of which the annual rent for the whole area would be increased from £117 to £260 with effect from December 1996.

Matters lodged

The following matters were lodged ``au Greffe" -

1. Projet de Loi (199) pour abroger la Loi (1902) au sujet des ordres religieux étrangers - P.79/97.
Presented by the Legislation Committee.
2. Clarence Court, Clarence Road, St. Helier: transfer of administration - P.80/97.
Presented by the Housing Committee.
3. Draft Merchant Shipping (Deck Officers) (Jersey) Regulations 199 - P.81/97.
Presented by the Harbours and Airport Committee.
4. Draft Merchant Shipping (Marine Engineer Officers and Marine Engine Operators) (Jersey) Regulations 199 - P.82/97.
Presented by the Harbours and Airport Committee.
5. Sutton House, The Parade, St. Helier: lease of office accommodation - P.83/97.
Presented by the Finance and Economics Committee.

Arrangement of public business for the present meeting

THE STATES rejected a proposition of Senator Vernon Amy Tomes that the following matter lodged ``au Greffe" be considered at the present meeting but agreed that it should be considered at the next meeting on 17th June 1997 -

Draft The Lloyds TSB (Jersey) Law 199 - P.77/97.
Lodged: 20th May 1997.
Senator V.A. Tomes.

Draft The Lloyds TSB (Jersey) Law 199 - (P.77/97): comments - P.78/97.
Lodged: 3rd June 1997.

Finance and Economics Committee.

Arrangement of public business for the next meeting on 17th June 1997

THE STATES confirmed that the following matters lodged ``au Greffe" would be considered at the next meeting on 17th June 1997 -

Projet de Loi (199) pour abroger la Loi (1902) au sujet des ordres religieux étrangers - P.79/97.
Lodged: 3rd June 1997.
Comité de Législation.

Clarence Court, Clarence Road, St. Helier: transfer of administration - P.80/97.
Lodged: 3rd June 1997.
Housing Committee.

Draft Merchant Shipping (Deck Officers) (Jersey) Regulations 199 - P.81/97.
Lodged: 3rd June 1997.
Harbours and Airport Committee.

Draft Merchant Shipping (Marine Engineer Officers and Marine Engine Operators) (Jersey) Regulations 199 - P.82/97.
Lodged: 3rd June 1997.
Harbours and Airport Committee.

Sutton House, The Parade, St. Helier: lease of office accommodation - P.83/97.
Lodged: 3rd June 1997.
Finance and Economics Committee.

Decision conferencing - question and answer (Tape No. 394)

Deputy Philip John Rondel of St. John asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

``Given that a considerable amount of time has been spent by Committees in carrying out the decision conferencing procedure, would the President inform members of the cost to the Island in salaries of all staff involved in this exercise, and quantify the

cost to all departments in the loss of manpower time whilst this procedure has taken place?"

The President of the Policy and Resources Committee replied as follows -

“For the Deputy's question to be answered, enquiries would need to be made of each and every Department that has participated in the decision conference procedure. Those Departments would then have to calculate the number of hours spent by all members of staff involved in decision conferencing, and also to calculate the hourly rate of those concerned. This would be an extremely time consuming exercise, and I am sure that most if not all members would only wish to have this undertaken if they are first satisfied on the value of the information to be obtained.

For the information sought to be meaningful, it would need to be compared with the the time that officers could be expected to have spent otherwise to produce the information that is essential if we are to be sure that taxpayers' money is being spent to good effect. Every Committee and Department should as a matter of course be engaged in a process of scrutinising expenditure, assessing how it supports core policy objectives, and producing the information necessary for the Finance and Economics and Policy and Resources Committees to put forward to the States recommendations on where additional expenditure can be justified and what priorities should be set in the allocation between Committees of the funds that are at the States' disposal.

Decision conferencing is one way, and my Committee and the Finance and Economics Committee consider it a good way, of getting Committees and Departments to participate fully in the effective prioritisation of States' capital and revenue expenditure. If decision conferencing is not carried out, other exercises would need to be undertaken with the same objective, equally if not more demanding of manpower and not so effective. What is of paramount importance is that, with net revenue expenditure of £231 million and with Committees wishing to

spend more money than is available, budgets are properly scrutinised and money allocated to generally accepted priorities. That is what decision conferencing is designed to achieve."

Agriculture and Fisheries Department: staff - question and answer (Tape No. 394)

Deputy Philip John Rondel of St. John asked Deputy Jeremy Laurence Dorey of St. Helier, President of the Agriculture and Fisheries Committee, the following question -

"Would the President inform members whether or not the Committee has increased the number of staff within the Agriculture and Fisheries Department since the 31st December 1996 manpower report? If the answer is in the affirmative, at the time of employing the new member of staff, had the Committee sought or received the approval of the Establishment Committee for the increase in manpower and would the President give the date of the Establishment Committee's approval?"

The President of the Agriculture and Fisheries Committee replied as follows -

"The Agriculture and Fisheries Committee has not taken on any permanent members of staff since 31st December 1996. However as the Deputy of St. John will know, having been contacted by my Chief Officer, my Committee, without seeking extra funds, is training a local person in the United Kingdom for the post of Deputy Entomologist/Plant Pathologist. Thus my Committee needed to apply for a trainee post. The Committee did not seek the Establishment Committee's formal permission for this post as members of the Personnel Department had been involved in the selection procedure and were therefore fully aware of the situation. It is, in any event, unclear within current procedures whether formal permission is required for a training post.

However, on 26th February 1997, the Committee sent an Act to the Establishment Committee seeking formal permission for the training post. The Committee has now

received this permission in the form of an Act dated 12th May 1997."

Field 298, l'Avenue de la Commune, St. Peter: green organic waste processing area. Planning and Environment Committee - question and answer (Tape No. 394)

Deputy Michael Edward Vibert of St. Brelade, asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

``Would the President explain to members why an extension has been given to the original permit granted to the Public Services Committee, until 6th June 1997, to operate a green organic waste processing area in Field 298, l'Avenue de la Commune, St. Peter with the condition attached that after this date the land shall be restored to its natural state, and would he give an assurance that the permit will not be further extended?"

The President of the Planning and Environment Committee replied as follows -

``Permission for the Public Services Committee to use Field No. 298, St. Peter, for its present use as a green waste reception and processing site was granted on 5th December 1996 for a period of six months `unless an extension of this permission is agreed in writing by the Planning and Environment Committee'. The final date for the permit is 6th June 1997. A request was received from the Public Services Committee to extend the permit in order to continue the separation of the green waste from the incinerator waste stream and to support the composting operation at Crabbé.

The Applications Sub-Committee, at its meeting on 19th May 1997, decided that the full Committee needed to consider this request. The next full Committee meeting is Thursday, 5th June 1997 - one day before the permit expiry date, so the Sub-Committee agreed to extend the permit for a period of one month to ensure time for deliberation.

The Committee will have to bear in mind the

following matters when considering the application for an extension -

The Organic Waste Working Party, formed of officers of the Planning and Environment, Public Services and Agriculture and Fisheries Committees, have recommended the establishment of a central composting site and are in the process of reviewing alternative sites and technologies with assistance from the Henry Doubleday Research Association (HDRA). There are no obvious 'ideal' sites, consequently, we must be very careful to review all options prudently if they are to be permanent facilities. It would be more practical if the permanent site were to comprise both reception and composting facilities.

In the interim, organic waste continues to be generated, particularly that from the digging and packing of potatoes. Last year in total, some 6,000 tonnes of green waste was collected. If a facility to manage this waste properly is not provided, particularly given that the incinerator could not presently accept that amount of additional material and that the agricultural industry's customers are demanding ever higher environmental standards, including methods of waste disposal, there is the potential for severe environmental and economic consequences, for example fly-tipping with the risk of water pollution. The temporary composting site at Crabbé (which has a permit till 31st December 1997) is now operating effectively to produce compost, improving enormously the management of agricultural waste. The green waste which is shredded at St. Peter and taken to the Crabbé site is an essential component of the composting process.

The options to be considered for Field No. 298 include -

closing the site; doing this before another site is identified would prevent the composting operation at Crabbé from continuing, for the reasons stated previously, resulting in disastrous effects for the agricultural industry, waste management in the Island and the local environment;

moving the shredding operation to another site is dependent on identifying a site which has better environmental and other characteristics than Field No. 298, which is situated on a main road, has good vehicle access, located reasonably close to Crabbé and where noise levels can be managed at levels acceptable to environmental health;

extending the permit to be concurrent with the Crabbé site would ensure that there is sufficient capacity to cope with the waste arising whilst a permanent area is agreed and developed. This could not happen, at the earliest, until late this year;

I am unable to give any assurances that the permit will not be further extended and my Committee is due to discuss the matter on Thursday, 5th June. It is important to recognise that our decision will be taken on the basis of the best interests of the Island as a whole. Waste management is an Island-wide problem. It is equally important that such facilities will need to be operated to the highest possible standards to ensure that any disturbance is minimised as far as possible. The Planning and Environment Committee will, therefore, impose stringent environmental conditions on waste processing operations and sites."

Field 198, l'Avenue de la Commune, St. Peter:
green organic waste processing area. Public
Services Committee - question and answer (Tape
No. 394)

Deputy Michael Edward Vibert of St. Brelade,
asked Senator Vernon Amy Tomes, President of the
Public Services Committee, the following
question -

``Would the President inform members of the
situation in relation to the green organic
waste processing area in Field 298,
l'Avenue de la Commune, St. Peter, and why
the site is not to be vacated by the end of
this week as originally intended?"

The President of the Public Services Committee replied as follows -

“The States adopted a proposition of the Agriculture and Fisheries Committee in 1983 granting permission for the Airport road site to be used for composting agricultural waste as well as the bannelais and vraic that was already being composted there.

The former Public Works Committee, now Public Services Committee, have continually used this site since then for various types of agricultural and green waste disposal. In 1992 the volume of waste arriving at Bellozanne for incineration was continuing to increase and with the new third incinerator not commissioned, alternative routes for disposal of some combustible waste were investigated. The option of shredding and composting the Island's green waste appeared to be a viable alternative and the site at the Airport was identified as being suitable for this operation. After one year's operation the volume of green waste arriving was far in excess of that originally estimated and the success of the scheme had shown a reduction in deliveries to Bellozanne to be in the order of 5,000 tonnes a year. In 1993 the Public Services Committee considered a report outlining the success of the scheme and the requirements for a larger site. At that time 25 sites were considered, five conforming to the selection criteria and applications made to the Planning and Environment Committee, all of which were rejected.

In 1994 the Public Services Committee in conjunction with the Planning and Environment Committee set up a Working Party to consider the options available to find a solution for the increasing problem of dealing with the Island's agriculture and green organic waste. The Working Party concluded that a central reception and shredding facility should be operated by the Public Services Committee at the airport site and the shredded material delivered to a series of satellite composting sites run by farmers. Once composted the farmer would be free to return the material to his land.

The scheme has been operating since 1994 and has recently been subject to two

independent audits by United Kingdom consultants, Henry Doubleday Research Association and ADAS who have both concluded that the material is not being correctly composted. The long-term viability of the scheme is in doubt and concerns expressed by the consultants indicate that a potential exists for leachate generation from this material and possible pollution to surrounding land and surface water systems.

The airport site has been subject to considerable attention over the past two years and following reports of vermin infestation a programme to improve the site commenced. Alternative transport arrangements were made to move the shredded material from site as soon as possible to prevent any accumulation of stockpiles of material.

Following the pollution incident at Crabbé in 1996 a further Organic Waste Working Party was formed under the chairmanship of the Planning and Environment Committee, involving officers from the Public Services and Agriculture and Fisheries Committees, to look at the short-term remedial works at Crabbé and find a long-term solution for the increasing quantity of agricultural and green organic waste. The conclusions from the Working Party indicated that a central site was required of sufficient area to accommodate both shredding and composting operations. Whilst this work was progressing the Planning and Environment Committee gave permission in December 1996 for the use of the airport site for receiving and shredding only for a period of six months terminating on 6th June 1997. On 19th May 1997, the Applications Sub-Committee of the Planning and Environment Committee considered a request to extend the permit for this site, and granted a one month extension pending consideration by the full Committee on 5th June 1997. The three Committees continue to work closely together to establish the most appropriate permanent solution to the problem of the processing of organic waste.

In order to continue the operation of the receiving and shredding of green waste, in support of the composting operation at Crabbé, which has a permit until 31st

December 1997, my Committee has requested an extension to its licence to operate the airport site. All material received there is shredded and immediately transported to Crabbé where, under the guidance of United Kingdom consultants, the Agriculture and Fisheries Committee are processing all the Island's agricultural waste including waste potatoes from this season's crop."

Island's gross domestic product - question and answer (Tape No. 394)

Senator Stuart Syvret asked Deputy Derek Ryder Maltwood of St. Mary, Vice-President of the Finance and Economics Committee, the following question -

``Would the Vice-President inform the House of the total tax take and social security contributions as a proportion of the Island's gross domestic product, and how this figure compares with individual European Member states?''

The Vice-President of the Finance and Economics Committee replied as follows -

``For 1994, the latest year for which figures are available, the comparisons are as follows -

Taxes and social security contributions
as a percentage of GDP

	%
Greece	(Not available)
Denmark	50.5
Sweden	50.4
Finland	47.4
Belgium	45.9
Holland	45.8
France	43.3
Austria	42.8
Luxembourg	42.4
Germany	41.7
Italy	40.0
Ireland	37.0
Spain	35.0
Portugal	34.4
United Kingdom	32.9
Jersey	20.4

The answer should come as no surprise because this Island is a low-tax area and that is the foundation on which much of its success as an offshore finance centre rests. In particular, there are no taxes on capital in Jersey.

What these figures also mean, of course, is that take-home pay for working people in Jersey is higher than elsewhere in the European Union, something of which the Island can be very proud. Furthermore, local people earning less than £20,000 a year enjoy take-home pay that is greater than their counterparts in Guernsey and the Isle of Man, our closest comparators.

The reason for this is Jersey's unique system of granting the largest tax allowances to the lowest paid. The tax thresholds here are far higher than the other two islands, as the following table illustrates -

Tax Thresholds			
Taxpayer type	Jersey	Guernsey	Isle of Man
	£	£	£
Single person	10,040	5,500	6,800
Single person plus dependent child	16,340	9,240	11,450
Married couple with two young children	20,740	11,000	13,600

The result is that 42 per cent of people in Jersey pay no tax because their incomes are below the tax threshold.

I am glad to have had the opportunity to point out, as I have done in the past, just how fortunate we are to enjoy an income tax system that places only modest demands on most of us and places no burden at all on the lower-paid."

questions and answers (Tape No. 394)

Senator Stuart Syvret asked Senator Corrie Stein, President of the Housing Committee, the following questions -

1. Would the President inform the Assembly of the circumstances in which the Housing Committee would be prepared to allow the extension beyond five years of a consent under Regulation 1(1)(j) of the Housing Regulations?
2. Would the President advise the Assembly of the type of business and the nature of any profession that might qualify for such an extension?
3. Would the President advise the Assembly whether the Committee would as a matter of practice follow the advice of the Chief Adviser when considering whether to grant such an extension?"

The President of the Housing Committee replied as follows -

1. Since the States agreed in 1991 to a slight relaxation of the policy of issuing time limited consents under Housing Regulation 1(1)(j), the Housing Committee has allowed extensions of consents beyond five years where applications satisfy the requirements as set out in the 1992 Strategic Policy Report, Appendix 7/1, as follows -
 1. the employer engages in activities that have been, and continue to be, of significant benefit to the Island, and the employee concerned makes a substantial contribution to the activities from which that benefit is derived;
 2. the refusal to grant the consent requested would have a significant and detrimental effect on the benefits derived by the Island from the activities of the employer;
 3. the employer has a satisfactory record, and is continuing to

participate actively, in the training of persons with residential qualifications;

4. the experience and/or qualifications required clearly suggest there is no prospect in the foreseeable future of the post concerned being filled by a person with residential qualifications;
 5. the employee concerned has already resided in the Island for at least three years with consent under Regulation 1(1)(j), and also has been with the applicant employer for that period.
2. There are no restrictions on the type of business and the nature of any profession that might qualify for such an extension but the criteria set out above must be satisfied.
 3. The Committee does seek the views of the Chief Adviser when considering whether or not to grant an extension to a consent issued under Regulation 1(1)(j) but there are occasions when the Committee will take a different view."

States employees - question and answer (Tape No. 394)

Deputy David Leon Crespel of Trinity, President of the Establishment Committee, answered a question asked by Deputy Philip John Rondel of St. John at the meeting on 20th May 1997, as follows -

- ``3. Would the President give details of the numbers and age groups of all persons who commenced States' employment during the last 12 months?"

The President replied as follows -

``I regret to say that this information is not readily available from the existing manpower information computer system, which we are proposing to replace in the near future.

For this reason, my Department contacted all States' Departments to seek the requisite information. All Departments responded with the exception of Education which explained that it was not able to make the return because of problems of staff availability. Based on the information we have received, from all other Departments, I can advise that the following numbers were recruited in 1996 in the appropriate age bands -

Age Range	Total
16-20	40
21-25	72
26-30	124
31-35	68
36-40	36
41-45	27
46-50	24
51-55	11
56-60	3
60+	0
Total	405

I should like to emphasise that in States' Departments, the general rule which applies when making appointments is ability to do the job, and that there is no discrimination on grounds of age. The question of age is specifically covered in our Equal Opportunities Policy, which is brought to the attention of all new employees in the induction programme.

The President of the Education Committee has explained to me that if the point of the question asked by Deputy Rondel is to establish that there is no discrimination on grounds of age, we would not be able to do so by examining data from that Department since most of its new starters would be main professional grade teachers who would normally be of limited experience and therefore younger people. He has assured me, however, that appointments made by the Education Committee are made on grounds of competence, not age."

Financial forecasts and income tax - question and answer (Tape No. 394)

Deputy Derek Ryder Maltwood of St. Mary, Vice-President of the Finance and Economics Committee, answered further a question asked by Senator Stuart Syvret at the meeting on 20th May 1997, as follows -

``4. Will the President inform the House how many of those wealthy immigrants who have secured residency in the Island under Regulation 1(1)(k) of the Housing Law paid income tax in the Island in 1994?"

The Vice-President replied as follows -

``Regulation 1(1)(k) was effective from December 1970. The number of wealthy immigrants who purchased property under that Regulation between 1970 and 1994, and who still resided in Jersey at 31st December 1994 was 183. Ten of them did not pay tax for 1994. Seven of those 10 arrived in the 1970s and the other three in the 1980s. In nine of the ten cases, substantial tax was paid in earlier years. Subsequently they suffered financial reverses of one kind or another, although in some instances tax contributions have resumed, or are expected to resume in due course. The remaining individual never became fully resident in Jersey, despite buying a property here.

It will perhaps help put these numbers in perspective if I explain that the tax contribution expected of a wealthy immigrant in the early days was £2,000 a year. Today a 1(1)(k) consent would be granted to a potential wealthy immigrant only if he could demonstrate the ability to pay tax of at least £150,000 a year, unless there were other significant economic or social benefits for the Island arising from his residence here."

Policing of Parks (Amendment No. 12) (Jersey) Regulations 1997 - P.68/97

THE STATES, in exercise of the powers conferred upon them by the Order in Council of the twenty-sixth day of December 1851, Article 49 of the

Road Traffic (Jersey) Law 1956, as amended, and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957, as amended, made Regulations entitled the Policing of Parks (Amendment No. 12) (Jersey) Regulations 1997.

100 Halkett Place, St. Helier: sale - P.69/97

THE STATES, adopting a proposition of the Planning and Environment Committee -

- (a) approved the sale by the public to Hanau Limited of the building known as 100 Halkett Place, St Helier (as shown on drawing No. 554/1) and all interests therein for £121,001 (one hundred and twenty one thousand and one pounds) with the purchaser being responsible for all reasonable legal fees involved in the transaction;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (c) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contract which it might be found necessary to pass in connexion with the sale;
- (d) authorise the Treasurer of the States to receive the payment due from the sale of the said building following the passing of any relevant contract.

Contract lease properties: sale of freehold - P.70/97

THE STATES, adopting a proposition of the Housing Committee, agreed in principle and subject to the necessary consents and to the completion of the necessary legal arrangements, that the freehold of residential properties at Clos des Sables and Quennevais Park, St. Brelade, Maison d'Azette, St. Clement, and Clearview Street, St. Helier, which were currently let on contract leases, should be made available for sale from the public of the Island under the flying freehold legislation for a nominal sum to those persons who currently occupied the properties on contract leases.

Bequest of the late Mr. H.E. Le Seilleur -
P.71/97

THE STATES, adopting a proposition of the Health and Social Services Committee, agreed that the administration and all benefits received from properties which were bequeathed to the States by the late Harold Ernest Le Seilleur be vested in the Health and Social Services Committee for the benefit of aged, infirm and needy residents of the Island, namely -

Le Boulevard, La Grande Route des Sablons,
Grouville
Claremont, Bagatelle Road, St. Saviour
Nos. 1,2,3,4 The Denes, Grève d'Azette, St.
Clement
La Pouclée Lodge, La Pouquelaye, St. Helier
Sous l'Eglise, St. Peter
Stonecot, Mont Millais, St. Helier
9 Chevalier Road, St. Helier
Workshop and offices, No. 1, Oxford Road,
St. Helier
Beau Sejour, Mont Millais, St. Helier.

States of Jersey (Amendment No. 6) Law 199 -
P.74/97

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the States of Jersey (Amendment No. 6) Law 199 .

THE STATES rose at 11.04 a.m.

G.H.C. COPPOCK

Greffier of the States.